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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,352	02/02/2004	Carl E. Whitcomb	WHIT/0002.A	7661
24945	7590	10/30/2007		
STREETS & STEELE 13831 NORTHWEST FREEWAY SUITE 355 HOUSTON, TX 77040			EXAMINER NGUYEN, SON T	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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EXAMINER

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**Commissioner for Patents**

In view of the Reply Brief filed 7/5/06 and the Board's remand filed 7/11/07, the 35 U.S.C. 112 first paragraph (answer 3) has been withdrawn. The argument regarding the root-tip-trapping concept provided in the Reply Brief is persuasive, thus, the Examiner is withdrawing the 112 1<sup>st</sup> rejection. The Answer will be forwarded to the Board for a decision.

/Son T. Nguyen/  
Primary Examiner  
AU3643